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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

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MAY 1984

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VOL. IV, NO. 12

JOINT INTERIM SUBCOMMITTEE NO. 2

FOREST FIRE
FEES
CONSIDERED

During the meeting on March 31, the subcommittee approved by a vote of 5-3 a motion to recommend that balance between federal and state forest fire protection responsibility be achieved over eight years. By unanimous vote the subcommittee approved a motion to recommend that the minimum forest fire protection fee be raised from \$6 to \$16. A motion to recommend increasing the forest fire protection fee from 16 cents to 24 cents per acre failed on a vote of 2-6. The subcommittee then agreed to take no action on the acreage fee until after the Legislative Fiscal Analyst's office presents its recommendations to the Legislative Finance Committee. The subcommittee also decided to postpone consideration of providing funding for an increased timber sale program until the next meeting, which will be held at a date yet to be selected in July.

NAVIGABILITY
HEARING PRO-
POSES LOCAL
MEETINGS

Roughly 100 people attended, and 34 people testified at the subcommittee's public hearing on the navigability study. By the day's conclusion it seemed that a new dialogue was developing between landowners and recreationists present. Groups which have traditionally opposed each other on this subject seemed to be expressing common goals with respect to what the rights and responsibilities of landowners and recreationists should be. What was unknown at the hearing was the extent to which agreement exists.

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In order to identify the areas and extent of agreement among the diverse groups, the subcommittee recommended that local meetings be held around the state. The subcommittee prepared a checklist of questions to be used at these local meetings, consisting of specific questions such as identifying waterways that are being floated.

At the subcommittee's request, the Montana Association of Conservation Districts has agreed to request the county conservation districts to organize the meetings (i.e., set their dates, times, and locations).

Legislators and members of the public interested in attending the local meetings are encouraged to contact their county conservation district offices to see if the district has agreed to organize a local meeting and, if so, to find out its date, time, and place. It is anticipated that these meetings will be held from mid-May through June. Local meeting information can also be obtained from Legislative Council or the Montana Association of Conservation Districts, 7 Edwards, Helena, MT 59601, 443-5711.

The subcommittee will hold its next meeting in July, on a date to be announced later.

JOINT INTERIM SUBCOMMITTEE NO. 3

MEETING HELD
APRIL 19, 20

Subcommittee No. 3 met April 19 and 20 in Helena to continue its studies on court unification (SJR 25), pension oversight (HJR 44), and state investments (HJR 4).

COURT UNIFI-
CATION BILLS
PROPOSED

Members directed staff to draft the following legislation concerning court unification:

- a constitutional amendment to allow the governing body of a county to transfer the jurisdiction of the justices' courts within the county to the district courts;
- a bill to allow the governing bodies of a county and city to transfer the jurisdiction of the justices' and city courts to the district court under a magistrate system and to provide a financial incentive to the counties and cities to adopt a magistrate system;
- a bill to expand the jurisdiction of the justices' courts to include some of the more administrative, routine proceedings now handled in district court;
- a bill to give district court judges the authority to assign cases originally filed in the district courts to the justices' courts;
- a bill to require clerks of district court and their deputies to undergo a training course approved by the supreme court administrator within twelve months after their election or employment, to provide for a program of continuing education for clerks and deputies, and to provide that a preference be given to persons with administrative skills and training when hiring deputy clerks; and
- a bill to require the state to fully fund the district court grant program and to assume the costs of court reporters, transcripts, indigent defense, jury and

witness fees, and psychiatric and other evaluations related to criminal cases and to require all counties to adopt a uniform accounting system approved by the supreme court administrator for district court operations.

PENSION
OVERSIGHT
COMMITTEE

On the topic of pension oversight, the subcommittee directed staff to draft a bill creating a pension oversight committee.

BILLS PRO-
POSED ON
STATE
INVESTMENTS

On the subject of state investments, the subcommittee heard a request by George Griffin, state legislative director for the Federal Home Loan Mortgage Corporation (Freddie Mac), that Montana's list of permissible investments include Freddie Mac securities. The subcommittee asked the staff to draft a bill for that purpose.

The subcommittee also requested these bills be drafted:

- Amend current law to replace Prudent Man Rule with Prudent Expert Rule;
- Amend the constitution to include the Prudent Expert Rule;
- Repeal the constitutional prohibition against ownership of common stocks by state funds;
- Allow four additional exempt positions on the staff of the Board of Investments;
- Add two representatives of the retirement systems to the Board of Investments;
- Require the Board of Investments to state in its annual report the current market value of its portfolio, the current earnings rates of investments, and the historical earnings rates; and
- Establish an investment oversight committee.

SEPTEMBER
DATE SET

The subcommittee scheduled its next meeting for September 6 and 7, 1984. A portion of one of these days will be devoted to a public hearing on sex discrimination in insurance as required by the study of insurance laws (HJR 29). Members will also review the proposed legislation listed above.

JOINT INTERIM SUBCOMMITTEE NO. 4

TEACHER TEN-
URE STUDIED
APRIL 13

Joint Interim Subcommittee No. 4 met on Friday, April 13, 1984, to study teacher tenure. The subcommittee used an issues and options checklist to discuss teacher employment

topics and to encourage public comments on the various options. Staff was requested to draft legislation on the following topics:

- Providing notice of intent to dismiss and a hearing prior to a teacher dismissal under contract;
- Providing that if an administrative demotion occurs, the teacher would revert to the salary level that would have accrued in a classroom position; and,
- Clarifying that economic necessity is grounds for terminating a tenure teacher.

LEGISLATION
TO BE DRAFTED
FOR MAY 18
MEETING

At a meeting set for Friday, May 18, staff will present information on:

- Available just causes for termination of teachers;
- Delegating termination controversies to final and binding arbitration;
- Waiver of the tenure laws in favor of collective bargaining on tenure provisions;
- Ramifications of various options to shorten the appeals process; and
- Further information on teacher evaluation practices in Montana.

The meeting will commence at 9:30 a.m. in room 104 of the Capitol. Also on the schedule is discussion of the draft legislation and development of final recommendations.

REVENUE OVERSIGHT COMMITTEE

MEETING SET
FOR JUNE 7

The next meeting of the Revenue Oversight Committee is scheduled for Thursday, June 7, in room 104 of the Capitol in Helena. The tentative agenda includes reports from the Department of Revenue (including a presentation on assessment practices of rural residences) and staff reports relating to taxation of railroad and airline property, the status of property tax exemption for educational, religious, and purely public charity, and the issuance of liquor licenses.

COAL TAX OVERSIGHT SUBCOMMITTEE

RECOMMEN- The next meeting is scheduled in Billings on Monday and
DATIONS TO BE Tuesday, June 18 and 19, when the subcommittee hopes to for-
FORMULATED mulate its legislative recommendations. The Coal Council
JUNE 18, 19 and the governor's office were invited to attend to answer
questions that might arise during the discussions.

LOAN PROGRAM During the meeting in Great Falls on April 13, the subcom-
REVISION mittee heard reports from the Coal Board on its grants
PROPOSED programs, from Gene Huntington of the governor's staff on
APRIL 13 -- possible revisions in the Resource Indemnity Trust Fund
OTHER programs, and from Pat Wilson on progress of plans for
BUSINESS ALSO Montco mine. The subcommittee requested drafting of a bill
to revise the Coal Board loan program, which has not been
utilized because of a prohibition against repayment with
property tax funds. The bill draft will be the subject of
consideration and discussion at the June 18 and 19 session.

ENVIRONMENTAL QUALITY COUNCIL

APRIL 5, 6 The April 6 meeting of the Environmental Quality Council
MEETING opened with an announcement by state water quality officials
COVERS of a proposed Clark Fork River study, an action which had
VARIETY OF been requested by EQC at its February meeting. DNRC direc-
TOPICS tor Leo Berry followed with an overview of that department's
environmental programs, and Van Jamison described state's
efforts for renewable energy and conservation. Council
members then discussed possible revisions in the MEPA rules,
including a proposal to incorporate mitigation measures in
state agency environmental reviews. The afternoon session
began with a presentation by Forest Service biologist Paul
Brouha on a tax incentive program to protect streambank
habitat. The Council also received updates on the
Alberta-Montana Legislative Information Exchange and on the
Coal Mine Reclamation Symposium held in Billings in March.

EQC subcommittees met on April 5. The Water Resources
Oversight Subcommittee was briefed on the status of the
state water adjudication program. The Toxic Substances
Subcommittee focused on employee right to know about hazard-
ous materials in the workplace. The Natural Resources
Oversight Subcommittee considered the governor's proposed
Natural Resource Legacy Program for allocating funds from
the state Resource Indemnity Trust.

COAL REGION The next EQC meeting is set tentatively for June 12 in the
MEETING SET coal region of eastern Montana at a time and location to be
JUNE 12 announced.

LEGISLATIVE FINANCE COMMITTEE

MEDICAL COST SUBCOMMITTEE ESTABLISHED

The Legislative Finance Committee has established a six-member subcommittee to review medical costs. Senator Regan was appointed chairperson. Other subcommittee members are Senators McCallum and Van Valkenburg and Representatives Donaldson, Peck, and Winslow.

The subcommittee will review hospital costs, optional services, and eligibility criteria of the medicaid program to determine if changes in the current system can be made to increase efficiency and control escalating costs. During consideration of the program, any changes proposed will be evaluated against the following three criteria: cost shifting; cost control; and service change.

FIRST MEETING MAY 19

The subcommittee will conduct four meetings between May and August 1984. The first meeting is scheduled for May 19, in room 104 of the Capitol. This meeting will provide the subcommittee a thorough understanding of eligibility criteria, medicaid services, the health planning system, and hospital budgeting. A plan will be developed on how to approach examining hospital costs.

SELECT COMMITTEE ON WATER MARKETING

MAY 4 MEETING TO CONSIDER STRATEGIES

The Select Committee on Water Marketing will meet at 9:00 a.m. on Friday, May 4, in room 104 of the state Capitol. At this working session, committee members will review the information presented at previous meetings, identify any additional information needs, and begin to outline alternative strategies for water marketing by the State of Montana. The committee will also hear a presentation on the draft agreement between DNRC and the federal government on marketing water from federal reservoirs.

GROUNDWATER ADVISORY COUNCIL

MAY 10 MEETING SET

The Groundwater Advisory Council will meet at 9:00 a.m. on Wednesday, May 10, in room 436 of the Capitol. The Council will review the U.S. Environmental Protection Agency's groundwater protection strategy, and will consider subcommittee reports on various aspects of groundwater management, including integrated groundwater management strategy, interagency coordination, water quality, and groundwater information collection.

SEMINAR ON INFRASTRUCTURAL FINANCING




MAY 10 SEMINAR

Legislators interested in the problem of funding public works at the local level may be interested in attending a

free seminar sponsored by the Finance Subcommittee of the Governor's Task Force on Infrastructural Financing. Two nationally known speakers will present information at the seminar to be held Thursday, May 10 from 9:00 to 4:30 in the second floor conference room of the Cogswell Building. Local government financing of water and sewer systems will take up the morning session, while financing other infrastructural facilities will be discussed in the afternoon.

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MAY

MAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY	
			1 MAY DAY 	2	3	4	5				
6		7 LEGISLATIVE COUNCIL 10am-Rm. 139	8	9	10	11	12				
13 MOTHER'S DAY 			15	16	17	18 Subcomm. #4 Room 104	19				
20			22	23	24	25	26				
27		28 Memorial Day Observed 	29	30	31						

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May 7, 1984

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TO: Interim Subscribers

FROM: Bob Person
Research Director

RE: Calendar error

Here is the June calendar that should have been mailed with the May issue of the Interim. The printer inadvertently printed two May calendars. We apologize for any inconvenience.

